

1 ELLYN MOSCOWITZ, Bar No. 129287  
2 LAW OFFICES OF ELLYN MOSCOWITZ  
3 8400 Enterprise Way #201  
4 Oakland, CA. 94621  
5 (510) 567-8400  
6 (510) 567-8444 FAX

7 Attorney for Plaintiff

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 SPRINKLERFITTERS LOCAL 483,

11 Plaintiff,

12 vs.

13 VALUE FIRE PROTECTION,  
14 STANLEY CHAN,

15 Defendants.

CASE NO. C06-07251 PJH ADR

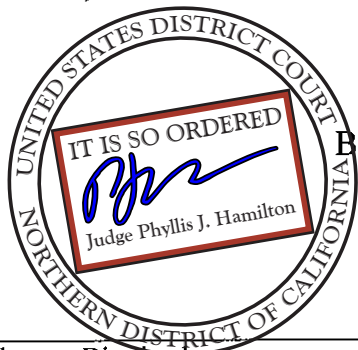
**NOTICE OF VOLUNTARY  
DISMISSAL AND ORDER**

16 NOTICE IS HEREBY GIVEN that pursuant to Fed.R.Civ.Pro. 41(a), Plaintiff  
17 SPRINKLERFITTERS LOCAL 483 voluntarily dismisses the above-captioned action with  
18 prejudice on the basis of settlement reached between the parties. Defendants Stanley Chan  
19 and Value Fire Protection have not appeared nor filed answer in this action.

20 The above-stated facts are set forth in the accompanying declaration of Ellyn  
21 Moscowitz, filed herewith.

22 Dated: March 23, 2007

LAW OFFICES OF ELLYN MOSCOWITZ



By:

*Ellyn Moscowitz*  
Ellyn Moscowitz  
Attorney for Plaintiffs

1 ELLYN MOSCOWITZ, Bar No. 129287  
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5 Attorneys for Plaintiff  
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11 SPRINKLERFITTERS LOCAL 483,

12 Plaintiff,

13 vs.

14 VALUE FIRE PROTECTION,  
STANLEY CHAN,

15 Defendants.  
16  
17

CASE NO. C06-07251 PJH ADR

**DECLARATION OF ELLYN  
MOSCOWITZ IN SUPPORT OF  
PLAINTIFFS' VOLUNTARY  
DISMISSAL**

18 I, ELLYN MOSCOWITZ, declare as follows:

19 1. I am an attorney admitted to practice before all courts of this State, including  
20 the Northern District of California, and I am counsel of record for the Plaintiffs. The  
21 matters stated in this declaration are of my personal knowledge, and if called, I could and  
22 would so testify.

23 2. The Petition to Compel Arbitration (complaint) in this case was originally  
24 filed November 22, 2006.

25 3. Defendants were served November 22, 2006 with Summons in this matter.

26 4. On February 6, 2007, I notified Defendants via fax and certified US mail that  
27 although their time limit had expired, I would stipulate to an extension of time to respond  
28


1 by another 20 days, giving a new deadline of March 2, 2007. I explained that absent any  
2 response by that deadline, I would file for default. Attached as **Exhibit A** is a true and  
3 correct copy of my February 5, 2007 correspondence to Defendant Stanley Chan and Value  
4 Fire Protection.

5 5. As of this date, Defendants have failed make any appearance or file any  
6 pleading or motion permitted by law in this case.

7 6. On March 15, 2007, Stanley Chan on behalf of Value Fire Protection and  
8 Stanley Smith on behalf of Sprinkler Fitters Local 485 entered into an agreement settling  
9 the claims underlying the Petition to Compel Arbitration. Attached as **Exhibit B** is a true  
10 and correct copy of the settlement agreement.

11  
12 I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct. Executed this 26<sup>th</sup> day of March, 2007.

14  
15 LAW OFFICES OF ELLYN MOSCOWITZ

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17 By:   
18 ELLYN MOSCOWITZ  
19 Attorney for Plaintiffs  
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# EXHIBIT A

# Law Offices of Ellyn Moscovitz

*U  
+ call*

Ellyn Moscovitz  
Brian Mikulak  
Sharon Seidenstein  
Kathy Roberts  
roofergal2@aol.com

8400 Enterprise Way, Suite 201  
Oakland, CA 94621-1309  
510-567-8400/510-567-8444 (Facsimile)

5380 Poplar Boulevard  
Los Angeles, CA 90032-1724  
323-225-9775

February 6, 2007

VIA FACSIMILE and CERTIFIED US MAIL

Stan Chan  
Value Fire Protection  
2921 Balboa Street  
San Francisco, CA 94121  
415-668-3398  
415-668-0869 (fax)

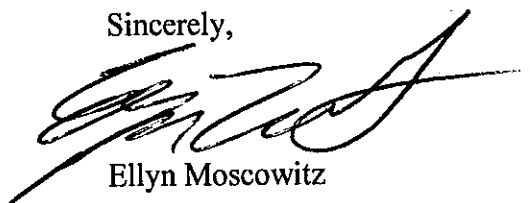
Re: DEFAULT in Sprinklerfitters 483 v. Value Fire, case no. C06-07251 PJH

Dear Mr. Chan,

As you know, I am the attorney for Sprinklerfitters Local 483 and their members who are your employees. Because of your unwillingness to pay any portion of the money you owe these employees, we were forced to pursue legal action, including filing a complaint against you in federal court on November 22, 2006. Please find faxed and enclosed herewith another copy of that complaint. ~~The time permitted for your answer or responsive pleading has expired.~~ I will stipulate to extend your deadline an additional 20 days, to Friday, March 2, 2007.

Absent any response by you or another person acting your behalf and that of Value Fire Protection, we will have no choice but to file for default and thereafter to pursue a default judgment against you and Value Fire Protection

Sincerely,



Ellyn Moscovitz

Enclosure  
cc: Stan Smith

# EXHIBIT B

FROM: VALUE FIRE PROTECTION INC

PHONE NO.: 415 588-0865

Mar. 13 2007 08:56PM P1

# **SPRINKLER FITTERS AND APPRENTICES LOCAL 483**

Stanley M. Smith  
Business Manager

Phillip Alves  
Organizer

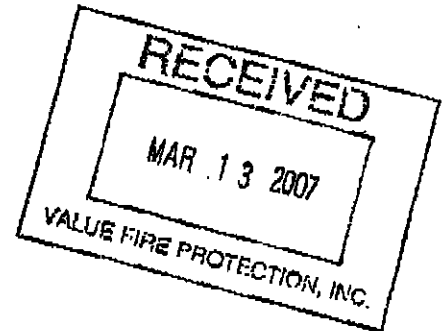
OF THE UNITED ASSOCIATION OF PLUMBERS,  
PIPEFITTERS AND SPRINKLER FITTERS OF THE  
UNITED STATES AND CANADA AFL-CIO



Business Agents  
John P. Crowley  
Richard R. Mangan  
Tony Santora

March 13, 2007

Stan Chan  
Value Fire Protection  
2921 Balboa Street  
San Francisco California 94121



Reference: Wages & Benefits Owed on UCSF Project

Dear Stan:

As per our conversation yesterday, here is a breakdown of wages and benefits still owed to Local 483 Members.

## **WAGES & BENEFITS OWED ON UCSF PROJECT**

EMPLOYEE NAME	ERIC LUNA	JOSE GARCIA	LUIS REYES	RUDY HOLGUIN
OWED WAGES	1,119.95	8,918.20	10,856.15	9,612.54
LESS: PAID WAGES 01/26/07	(1,119.96)	(6,572.71)	(8,000.99)	(7,084.44)
BALANCE: OWED WAGES	0.00	2,345.49	2,855.17	2,528.10

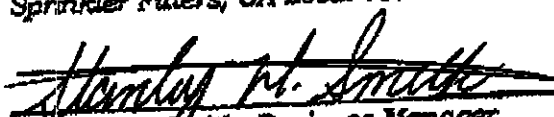
2525 Barrington Court • Hayward, California 94545  
Telephone (510) 785-8483 • Fax (510) 785-8508  
[www.sprinklerfitters483.org](http://www.sprinklerfitters483.org)

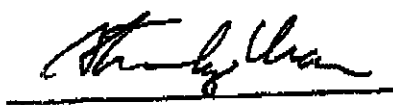
OWED BENEFITS:

NASI PENSION	0.00	0.00	1,077.30	1,077.30
NASI HEALTH & WELFARE	0.00	0.00	0.00	0.00
SUPPLEMENTAL PENSION	391.50	3,117.50	2,740.50	2,740.50
APPRENTICESHIP TRAINING	37.80	301.00	264.60	264.60
INDUSTRY PROMOTION	6.48	51.60	45.36	45.36
INTERNATIONAL TRAINING FUND	0.00	0.00	0.00	0.00
WORK ASSESSMENT	67.20	535.09	696.69	711.17
BALANCE: BENEFITS DUE	502.98	4,005.19	4,824.45	4,838.93

GRAND TOTAL: WAGES & BENEFITS DUE	502.98	6,350.68	7,679.62	7,967.08
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The total amount owing for wages and benefits and \$1,500.00 in attorney's fees is \$23,400.31. As agreed to, Value Fire Protection will make a monthly payment of \$3,900.05 over a period of six (6) months to Sprinkler Fitters, UA Local 483.

  
 Stanley M. Smith, Business Manager  
 Sprinkler Fitters, UA Local 483

 3/15/07  
 Stanley Chan  
 Value Fire Protection